IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kagan et al.

App. No : 10/698,148

Filed: October 31, 2003

For : APPARATUS AND METHODS FOR

TREATMENT OF MORBID OBESITY

Examiner : Phillip Gray

Art Unit : 3767 Conf# : 2819 CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

(Date)

Bryan Wall, Reg. No. 58,878

RESPONSE TO FINAL OFFICE ACTION AND RCE

Mail Stop RCE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed July 21, 2008, Applicants respectfully submit the following paper, along with a Factual Declaration of Christopher Thompson, M.D. as proper under 37 C.F.R. § 1.132, as well as a Request for Continued Examination and a request for a one-month extension of time. Please consider the following remarks and Declaration

Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.